

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, November 17, 2010**  
**10:00 a.m.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: November 4, 2010**

**RE: Closed Session of the Board to be held on November 17, 2010**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

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**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1. 4 S CORPORATION DBA VALLEY CAR WASH, 10-R6D5-0380
2. ADVENT, INC., 09-R1D2-0230 and 09-R1D2-0892 AND 0893
3. SAM ALI DBA SSF GAS & 100% HAND CAR WASH, 09-R6D7-2010 AND 2011
4. ANGELUS SHEET METAL MFG., 10-R6D2-1107 AND 1108

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5. A-NOOHI & COMPANY, 10-R4D1-0180
6. AWARE PRODUCTS LLC, 10-R4D3-2552 THROUGH 2554
7. BLOOMFIELD BAKERS DBA LOVIN OVEN, 10-R6D2-2416 THROUGH 2418
8. BOLANOS LANDSCAPING, 10-R3D1-2099
9. ROGELIA CABRERA DBA CABRERA AUTOBODY, 10-R6D7-2507 AND 2508
10. CALCULATED FREEDOM, INC. DBA JINKY'S CAFÉ, 10-R6D5-1949
11. CALIFORNIA READY MIX, 10-R3D6-2450 THROUGH 2452
12. CAST-RITE CORPORATION, 10-R4D1-0487 AND 0488
13. CEMTEX, INC., 10-R4D2-1809 AND 1810
14. CLARY ROOFING, INC., 10-R3D1-2136
15. CONSTELLATION WINES U.S. DBA CLOS DUBOIS WINERY, 10-R1D5-2776
16. CORRALITOS FARMS LLC, 10-R6D7-1533 AND 1534
17. COUNTY OF SOLANO, 09-R2D2-2362
18. D. P. MANGAN, INC. DBA PAVE WEST, 10-R4D2-2845
19. SAMUEL & ANITA DANON DBA FALAFEL PALACE, 10-R6D5-2126
20. DAVIS ROOFING, 09-R3D2-4057 AND 4058
21. DBA MACS MANAGEMENT, 09-R3D2-4210 THROUGH 4212
22. EL MONTE ORNAMENTAL SUPPLY, 10-R6D2-0112 THROUGH 0115
23. EXCELLINE FOOD PRODUCTS LLC, 10-R4D3-1173 AND 1174
24. FDC MANAGEMENT, INC., 10-R3D6-1829 AND 1830
25. FONG KEE TOFU COMPANY, 09-R1D1-1766 THROUGH 1769
26. FRAZIER NUT FARMS, 10-R6D7-2055
27. GALAXY CARWASH, 10-R4D3-1441

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28. GARDNER TRUCKING, INC., 09-R2D2-3584 AND 3585
29. I-COAT COMPANY LLC, 10-R3D6-1169 THROUGH 1172
30. JORDAN VINEYARD & WINERY LP, 09-R1D5-4104
31. GENE KIM & YOUNG KIM DBA KIMSON FAMILY TRUST, 10-R4D1-0362
32. JAMES SE UNG KIM, 10-R4D1-0567 THROUGH 0574
33. LAMAR CENTRAL OUTDOOR LLC DBA LAMAR ADVERTISING CO., 10-R3D3-1957
34. KERRY LANGLEY DBA LANGLEY CARPET INSTALLATION, 09-R6D7-3251
35. MALEK RESTAURANT, INC., 10-R6D5-2020
36. MASTERBRAND CABINETS, INC., 10-R6D2-0449 THROUGH 0451
37. MIGUEL RODRIGUEZ FLC, 09-R6D7-3471
38. PAMPANGA FOODS, 10-R6D2-0990 AND 0991
39. PARAMOUNT FARMS, INC., 10-R4D3-0560 AND 0561
40. PRECISE AUTO SERVICE, INC., 10-R3D1-1847
41. R. ALAN CONSTRUCTION, 10-R3D6-2285
42. R & W AUTOBODY, 09-R1D2-0553 THROUGH 0556
43. RODEMANN'S COLLISION REPAIR, INC., 09-R6D7-3300
44. SADDLE CREEK CORPORATION, 10-R3D1-1630
45. SANIE MANUFACTURING, 10-R3D1-1731 THROUGH 1733
46. SAPUTO CHEESE & PROTEIN LLC, 08-R2D5-1849 THROUGH 1851
47. SIERRA FARMS LLC, 10-R6D7-1647
48. SIMPSON DURA-VENT COMPANY, INC., 09-R2D2-0005 AND 0006
49. SOLARCITY CORPORATION, 10-R2D2-2514 AND 2515
50. SPONGEABLES LLC, 10-R4D1-2052 AND 2053

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51. SUBURBAN PROPANE, 10-R4D3-1403
52. SULLY-MILLER CONTRACTING COMPANY, 08-R3D3-3931 AND 3932
53. T & R LUMBER CO., INC., 10-R6D2-0135 AND 0136
54. T L FABRICATIONS, 10-R6D2-2010
55. TRIM LOK, INC., 10-R3D1-1990
56. TSA SERVICES, INC. DBA TSA STAFFING SERVICES, 10-R3D3-2166
57. TZENG LONG USA, 10-R4D2-1466 AND 1467
58. UNION CONSTRUCTION & ENGINEERING, INC., 10-R4D1-1699 AND 1700
59. UNITED CARRIER, INC., 10-R4D1-0661
60. UNIVERSAL MOLDING EXTRUSION COMPANY, INC., 10-R6D2-1968  
THROUGH 1971
61. VERDUZCO LANDSCAPING, INC., 10-R4D3-1468 THROUGH 1470
62. VINTAGE PLASTERING, 10-R3D2-1997
63. VONS COMPANY, 10-R4D1-0233
64. WESTERN E GROUP, 10-R3D6-2785 THROUGH 2787
65. MOHAMMAD ZAMANPOUR & NAHID SAFARI DBA DIANA'S, 10-R6D7-1186

**ORDER ON REMAND:**

1. MITCHELL ENVIRONMENTAL CONCRETE, 09-R4D3-0147

**PETITIONS FOR RECONSIDERATION:**

*(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)*

1. AGRI-FEED INDUSTRIES, 09-R3D2-4055
2. LUIS CUEVA MICHEL DBA LUIS MICHEL, 09-R2D1-3013
3. WARWICK CALIFORNIA CORP DBA WARWICK S.F. HOTEL, 09-R1D1-0894

**DECISIONS AFTER RECONSIDERATION (DRAFTS):**

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*(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)*

1. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
2. AC TRANSIT, 08-R1D4-0135
3. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
4. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY  
DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
5. ANNING-JOHNSON COMPANY, 06-R1D3-1976
6. AVESON EDUCATIONAL COOPERATIVE, 09-R4D2-0337
7. BART, 03-R1D1-5170
8. BIMBO BAKERIES USA, 05-R6D2-856 AND 857
9. BLF, INC. dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
10. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
11. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445
12. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239  
THROUGH 2241
13. BURTON L. SILVA FARMS, 09-R1D2-1498
14. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
15. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
16. CA CORRECTIONS, 08-R2D5-0975 THROUGH 0978
17. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
18. CALIFORNIA INTERSTATE EXPRESS, 09-R4D2-3460
19. CELTIC SCAFFOLDING, INC., 08-R1D1-1469 THROUGH 1471
20. CLINE CELLARS, INC., 08-R1D5-2946

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21. CJI PROCESS SYSTEMS, 09-R6D2-1333 THROUGH 1336
22. CNL ROOFING COMPANY, 08-R1D2-1692 AND 1693
23. COMMERCIAL METAL FORMING, 09-R3D1-1592
24. CORE GENERAL CONTRACTOR, INC. DBA CORE BUILDERS, 08-R1D2-1379
25. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
26. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
27. DESIGN BUILDERS, INC., 08-R4D4-1901
28. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
29. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
30. DUKE PACIFIC, INC., 08-R3D3-574
31. DUININCK BROS., INC., 06-R4D3-2871
32. DYNALECTRIC, 03-R1D1-4101
33. E. C. U., INC., 09-R3D5-1094 AND 1095
34. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS, 09-R6D2-2325 THROUGH 2332
35. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
36. EZ MIX, INC., 08-R4D3-1898
37. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
38. FORTUNA IRON WORKS 06-R2D3-4222
39. FREAS PLASTERING CO., INC., 08-R1D1-1188 AND 09-R1D1-2568
40. G.T. ALDERMAN, INC., 05-R4D3-3513
41. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
42. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
43. GOLDEN WEST INDUSTRIES, INC., 08-R3D2-3930

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44. GRISWOLD INDUSTRIES, 09-R6D2-0981 THROUGH 0984
45. HARBOR ORNAMENTAL, INC., 09-R3D5-2086
46. HB PARKCO, 07-R4D2-1730 AND 1731
47. HELPMATES STAFFING SERVICES, 05-R3D3-2239
48. HELM & SONS, INC., DBA HELM & SONS AMUSEMENTS, 08-R3D3-3513
49. THE HERRICK CORP., 07-R3D1-495
50. HUSSMAN CORPORATION, 03-R3D1-2939
51. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
52. INTERNATIONAL ALUMINUM CORPORATION, 09-R6D2-1185
53. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
54. JENSEN PRECAST, 05-R2D1-2377
55. JOHN LAING HOMES, 04-R3D1-194 AND 195
56. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
57. JT WINDOWS, INC., 09-R6D2-0693 THROUGH 0698
58. KELLY SERVICES, INC., 06-R1D2-1024
59. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
60. LA MINA CANTINA, 09-R2D5-0039
61. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
62. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
63. LION RAISINS, INC., 08-R2D5-2253 AND 2254
64. L N I CUSTOM MANUFACTURING, 10-R6D2-9154
65. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
66. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540

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67. MARINE TERMINALS, 08-08-R6D2-1920
68. MARTIN J. SOLIS, DBA SOLIS FARM LABOR, 08-R2D1-3415
69. MELMARC PRODUCTS, INC., 09-R3D1-2878
70. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
71. MOOREFIELD CONSTRUCTION, INC., 10-R3D5-9207
72. NEWMAN FLANGE & FITTING COMPANY, 07-R2D4-2581 THROUGH 2583
73. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
74. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
75. PARKER-HANNIFIN CORPORATION, 08-R2D4-2508
76. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
77. POUK & STEINLE, INC., 09-R3D3-0491
78. PUSD ALEXANDER HAMILTON ELEMENTARY SCHOOL, 09-R4D2-0784
79. R.A. CAMPBELL, INC., 09-R6D2-1209 THROUGH 1211
80. R & L BROSAMER, INC., 03-R1D5-4832
81. RAMON ARANDA dba I & R PALLETS, 10-R6D5-9053
82. RIEZEBOS CONSTRUCTION, INC., 08-R2D5-1730
83. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
84. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
85. SANTA PAULA HARVESTING, 09-R4D3-0510 THROUGH 0514
86. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
87. SELECT REMEDY, 08-R2D5-0048 THROUGH 0050
88. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
89. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025



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90. SMUD, 08-R2D1-4887 THROUGH 4889 (filed by DOSH)
91. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418
92. STACY & WITBECK, INC., 05-R1D1-1142
93. STENDERUP AG PARTNERS, 09-R6D2-2111 AND 2112
94. SUNOPTA FRUIT GROUP, 09-R3D1-9245
95. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
96. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT AGGREGATES, 04-R5D2-850 AND 851
97. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650 AND 2651
98. TEICHERT AGGREGATES, 04-R5D1-2982
99. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2256 AND 2557
100. UNITED PARCEL SERVICE, 07-R3D3-3322
101. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
102. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802
103. WINCHESTER CONSTRUCTION, 08-R4D3-4709 AND 4710

**PENDING LITIGATION:**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

1. JERLANE, 37-2007-00056381-CU-WM-NC (01-4344/4345)
2. JERLANE, 37-2009-00059323-CU-WM-NC (08-1733)
3. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB), 34-2007-00882192-CU-WM-GDS, (01-3261)

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4. BRUTOCO ENGINEERING & CONSTRUCTION, INC., 30-2007 00100159 (07-9223)
5. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB) (00-440)
6. SHIMMICK CONSTRUCTION CO., 34-2008-80000121-CU-WM-GDS (06-1136)
7. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
8. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
9. WEBCOR CONSTRUCTION LP dba WEBCOR BUILDERS, 34-2009-80000384 (08-R1D2-2499/2500)
10. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
11. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430 (09- 9280/9281)
12. JC CONSTRUCTION, BS124990 (09-9265)
13. FRESNO PRODUCE, CO., INC., 10CECG02394 (10-R6D1-9064)
14. MISSION FLAVORS AND FRAGRANCE, INC., 34-2010-80000599 (05-R6D2-1139)
15. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047 (07-R5D1-3611)
16. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, 34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
17. BAY AREA RAPID TRANSIT DISTRICT, 34-2010-80000683 (09-R2D2-1218 THROUGH 1221)
18. EMERSON RUSSELL MAINTENANCE CO., RG-10543219 (08-R1D4-4167)

**COURT OF APPEAL**

1. SOUTHERN CALIFORNIA EDISON, B223828 (BS 119297) (08-9062)
2. HARRIS CONSTRUCTION COMPANY, INC., C060578 (07-CS00518) (05-3914)
3. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)